

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

GIBSON, INC.,

Plaintiff,

V.

§

Civil Action No. 4:19-cv-00358-ALM

ARMADILLO DISTRIBUTION
ENTERPRISES, INC. and
CONCORDIA INVESTMENT
PARTNERS, LLC,

§

ENTERPRISES, INC. and

CONCORDIA INVESTMENT

PARTNERS, LLC,

Defendants.

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FINAL JUDGMENT

This action was tried by a jury with the undersigned presiding, and the jury reached a verdict on March 21, 2025. Pursuant to Rule 58 of the Federal Rules of Civil Procedure, the jury's unanimous verdict, and the Memorandum Opinion and Order entered on this date, the Court enters judgment. It is therefore **CONSIDERED, ADJUDGED, and DECREED** that:

1. Judgment is entered in favor of Defendant Concordia Investment Partners, LLC (“Concordia”) and against Plaintiff Gibson, Inc. (“Gibson”) on Gibson’s federal Lanham Act and state law claims that Concordia contributed to Armadillo’s alleged infringement of (a) the ES Body Shape Design (U.S. Reg. No. 2007277); (b) the SG Body Shape Design (U.S. Reg. No. 2215791); (c) the HUMMINGBIRD wordmark (U.S. Reg. No. 1931670); (d) the Flying V Body Shape Design (U.S. Reg. No. 2051790); (e) the Explorer Body Shape Design (U.S. Reg. No. 2053805); (f) the Dove Wing Headstock Design (U.S. Reg. No. 1020485); and (g) the FLYING V wordmark (U.S. Reg. No. 1216644);

2. Armadillo has not manufactured, advertised or sold products in the United States that infringe under federal Lanham Act or state law the ES Body Shape Design (U.S. Reg. No. 2007277) or the Dove Wing Headstock Design (U.S. Reg. No. 1020485).
3. The ES Body Shape Design (U.S. Reg. No. 2007277) is generic and Gibson's registration therefor should be cancelled.
4. Armadillo has manufactured, advertised and sold products in the United States that infringe the following body shape trademarks Gibson validly owns: (a) the SG Body Shape Design (U.S. Reg. No. 2215791); (b) the Flying V Body Shape Design (U.S. Reg. No. 2051790); and (c) the Explorer Body Shape Design (U.S. Reg. No. 2053805), but Gibson is not entitled to any relief.
5. Armadillo has manufactured, advertised and sold products in the United States that infringe the following word mark trademarks Gibson validly owns: (a) the HUMMINGBIRD wordmark (U.S. Reg. No. 1931670); and (b) the FLYING V wordmark (U.S. Reg. No. 1216644), but Gibson is not entitled to any relief.
6. Gibson suffered no actual damages as a result of Armadillo's infringement as a matter of law.
7. Armadillo's infringement of: (a) the SG Body Shape Design (U.S. Reg. No. 2215791); (b) the Flying V Body Shape Design (U.S. Reg. No. 2051790); (c) the Explorer Body Shape Design (U.S. Reg. No. 2053805); (d) the HUMMINGBIRD wordmark (U.S. Reg. No. 1931670); and (e) the FLYING V wordmark (U.S. Reg. No. 1216644) was not willful.
8. Armadillo sold or marketed a counterfeit of the following, validly owned trademarks: (a) the SG Body Shape Design (U.S. Reg. No. 2215791); (b) the HUMMINGBIRD

wordmark (U.S. Reg. No. 1931670); (c) the Flying V Body Shape Design (U.S. Reg. No. 2051790); (d) the Explorer Body Shape Design (U.S. Reg. No. 2053805); and (e) the FLYING V wordmark (U.S. Reg. No. 1216644), but Gibson is not entitled to any relief.

9. Armadillo did not sell or market a counterfeit of the Dove Wing Headstock Design (U.S. Reg. No. 1020485) or the ES Body Shape Design (U.S. Reg. No. 2007277).
10. Gibson delayed without excuse in asserting its trademark rights in (a) the SG Body Shape Design (U.S. Reg. No. 2215791); (b) the HUMMINGBIRD wordmark (U.S. Reg. No. 1931670); (c) the Flying V Body Shape Design (U.S. Reg. No. 2051790); (d) the Explorer Body Shape Design (U.S. Reg. No. 2053805); and (e) the FLYING V wordmark (U.S. Reg. No. 1216644), thereby causing undue prejudice to Armadillo.
11. Gibson is not entitled to any counterfeiting statutory damages.
12. Gibson is not entitled to any exemplary damages.
13. Gibson committed tortious interference with Armadillo's prospective business relations but justifiably interfered with Armadillo's prospective business relations.
14. Gibson was awarded the sum of \$1.00 (one dollar) of Armadillo's profits.

The Director of the United States Patent & Trademark Office is hereby ORDERED to cancel U.S. Reg. No. 2007277 because the ES body shape is generic.

It also is ORDERED that all costs of court spent or incurred in this cause are adjudged against Gibson.

All relief not expressly granted herein is hereby DENIED.

The Court retains jurisdiction over the parties to enforce any and all aspects of this judgment.

Finally, this judgment is entered subject to, and without waiving, any post-trial issues that may be raised in post-trial motions by any party, including requests for attorneys' fees.